

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Marcus T. Lane,)	
)	
Plaintiff,)	Civil Action No. 8:15-cv-1240-RMG
)	
v.)	
)	ORDER
Andy Strickland, Jodie Taylor, David)	
Matthews, Matthew Walker, Colleton)	
County Sheriff's Office,)	
)	
Defendants.)	
)	

This matter is before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge (Dkt. No. 42) recommending that this action be dismissed pursuant to Fed. R. Civ. P. 41(b). Petitioner failed to notify the Court of a change in address and has not filed objections to the R & R. For the reasons set forth below, the Court adopts the R & R and dismisses this action without prejudice.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). This Court may also “receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

Here, however, because no objection has been made, this Court “must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation,” *see Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal

quotation omitted), and this Court is not required to give any explanation for adopting the recommendation of the Magistrate Judge, *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983).

On March 27, 2015, the Magistrate Judge issued a Proper Form Order directing Plaintiff to notify the clerk in writing of any change of address and warning that failure to do so could result in the dismissal of the case. (Dkt. No. 8). On May 4, 2015, the Magistrate Judge issued an R & R recommending that Defendants David Matthews, Matthew walker, and Colleton County Sherriff's office be dismissed without prejudice and without issuance of service of process. (Dkt. No. 17). Plaintiff did not file any objections to this R & R.

On September 1, 2015, the Court entered an order for an extension of time to file dispositive motions. (Dkt. No. 34). The order was mailed to Plaintiff, and on September 17, 2015, it was returned as undeliverable without a forwarding address. (Dkt. No. 36). A subsequent Roseboro Order was also returned with no forwarding address. (Dkt. No. 40). The R & R that is currently before the Court was mailed on November 23, 2015. (Dkt. No. 43). Unsurprisingly, Plaintiff again did not file any objections.

The Court has reviewed the R & R, the full record in this matter, and the relevant legal authorities. The Court finds that the Magistrate Judge ably and promptly summarized the factual and legal issues and appropriately recommended that the action be dismissed. Therefore, the Court hereby ADOPTS the R & R as the order of this Court and dismisses the action without prejudice.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

December 21, 2015
Charleston, South Carolina